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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERIBERTO G. REYNOSO CHAVEZ,

Defendant.

Criminal No. CR 3-06-70743 EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME**

The above-captioned matter came before the Court on November 21, 2006, for detention hearing in United States Magistrate Court. The defendant was represented by Juliana Drous, Esq., and the government was represented by Philip Kearney, Assistant United States Attorney. The case was continued for preliminary hearing to December 13, 2006, at 9:30 a.m. The Court made a finding on the record that the time between November 21, 2006, and December 13, 2006, should be excluded under both the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), and Rule 5, because the ends of justice served by taking such action outweighed the best interest of the public and the defendant in a

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speedy trial. That finding was based on the defendant's request to obtain and review discovery, and to adequately prepare the matter, taking into account the exercise of due diligence. That finding was made pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

The parties hereby agree to and request that the case be continued until December 13, 2006 at 9:30 a.m., and that an exclusion of time until that date be granted. The parties agree and stipulate that the additional time is appropriate and necessary under Title 18, United States Code, Section 3161(h)(8)(A), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial.

DATED: 11/21/06

/S/
JULIANA DROUS, ESQ.
Counsel for DEFENDANT

DATED: 11/21/06

/S/
PHILIP J. KEARNEY
Assistant United States Attorney

It is so ordered.

DATED: 11/22/06


EDWARD M. CHEN
UNITED STATES MAGISTRATE

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